

**TOWN OF DAVIE  
SPECIAL MEETING  
SEPTEMBER 21, 2004**

The meeting was called to order at 6:02 p.m. and was followed by the Pledge of Allegiance.

Present were Mayor Truex, Vice-Mayor Paul, Councilmembers Crowley, Hubert and Starkey. Also present were Assistant Town Administrator Ken Cohen and Town Attorney Kiar and Town Clerk Muniz recorded the meeting. Town Administrator Tom Willi was absent

**1. PUBLIC HEARING - BUDGET**

*Ordinances - Second and Final Hearing*

- 1.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE  
2004-29 MILLAGE RATE TO BE LEVIED FOR THE FISCAL YEAR BEGINNING OCTOBER  
1, 2004 AND ENDING SEPTEMBER 30, 2005.

Mayor Truex explained that the Town's millage operating rate for fiscal year 2005 would be 5.1086, which was a 10.5% increase over the rollback rate of 4.6240. He indicated that the tentative vote for debt service millage rate for fiscal year 2005 was .5211.

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Hubert made a motion, seconded by Mayor Truex to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 1.2 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE  
2004-30 BUDGET TOWN OF DAVIE FOR THE FISCAL YEAR 2005.

Town Clerk Muniz read the Ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Paul reiterated her concerns about this year's budget. She indicated that she was not happy about taking money out of the reserves and the endowment **fund** in an effort to balance the budget. Vice-Mayor Paul stated that there was almost a \$2 million deficit this year, with a supposed one-time withdrawal from insurance reserves and voiced her fear that this would more than double next year. **She wondered what would happen next year and questioned how it would be dealt with then.** She spoke of her request, and denial, for a 5% across-the-board cut from all departments. **She also spoke of her request to make cuts** in areas such as overtime expenses **and was told it was impossible.** Vice-Mayor Paul discussed her concerns regarding charity donations, **and felt that the system was flawed** because ~~specifically where the charities had to leverage their grant dollars with municipal dollars.~~ **She indicated she had sought suggestions for cuts and received one pertaining to Police overtime that was not viewed favorably because it could restrict the funds needed for possible emergencies.** She spoke of **another suggestion received by the Parks & Recreation Department seeking to privatizing privatize** the sports program, **but felt it would not be a popular option.** **She felt that the Town needed to charge enough to cover costs especially when dealing with teams from other areas** so that the Town did not subsidize regional sports programs. Vice-Mayor Paul spoke of her recommendation to utilize an in-house attorney and the fact that she did not receive any support for this issue. She indicated that the 10-month figures for the Town Attorney indicated almost \$100,000 more than what Mr. Kiar claimed he had billed the Town and should be viewed carefully. Vice-Mayor Paul felt that the budget should be

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something that was micromanaged by the Town and spoke of seeking the services of a CPA. She suggested that Programs Administrator Chris Kovanes look into attempting to solve some of these issues.

Vice-Mayor Paul felt that the Town should give Mr. Underwood complete authority over the budget in an effort to implement his ideas for increasing the revenue stream. She stated that taxes would not have been raised had appropriate cuts been made. Vice-Mayor Paul suggested that since her suggestions to cut certain areas were declined, perhaps under Mr. Kovanes' administration, reorganization within the management area was needed. She asked Mr. Kovanes to revisit the issue of placing non-represented employees into the union without their vote.

Vice-Mayor Paul indicated that she had complained about the handling of the budget for more than two years, specifically the timeframe at which Council was presented with the budget, as well as not having the benefit of reviewing the Town's most recent audit. She felt that next year's budget was going to be problematic.

Councilmember Crowley voiced his concerns as to the removal of funds from the reserves, but was glad to see it was reduced. He asked Mr. Cohen for an explanation as to whom the \$800,000 earmarked for the pension fund was for. Mr. Cohen explained that it was for everyone in the General Employee Pension Plan and the Management Plan whose cost to purchase exceeded 12.55%. Councilmember Crowley presented Mr. Cohen with a letter received by Council from an employee and asked him to review the issues raised in the letter. Councilmember Starkey stated that she had requested a review of the employee's letter and was awaiting a response from staff. Mr. Cohen indicated that a response was forthcoming.

Councilmember Crowley spoke of his concern regarding the estimated ad valorem revenue increasing from 95% to 97% and felt the estimate was risky. He voiced his support of the existing not-for-profit donations request and his disapproval of any new not-for-profit requests. Councilmember Crowley stated that he had some concerns regarding the drainage project and was glad to see the project moving forward on funding for the maintenance of the drainage system. Councilmember Crowley also had some concerns regarding the car allowance and wished to set criteria for future employees and how they qualify for the car allowance.

Councilmember Hubert questioned the legal fee issue raised by Vice-Mayor Paul. She felt that should not only include Mr. Kiar's fees, but all legal fees such as outside attorney fees. Vice-Mayor Paul agreed, but reiterated her concern regarding the inconsistencies in the ten-month amount presented by Mr. Kiar and the Town. Councilmember Starkey understood that the legal fees would be removed from Administration's budget and placed into the attorney's budget and it would be separate from his line item. Mr. Kiar indicated that his figures were substantially less than those reported by the Town.

Councilmember Hubert requested that prior to the charities receiving funds, questions should be answered such as the number of Davie residents being served and what services were being provided. Vice-Mayor Paul indicated that such information was provided last year, but was not reviewed by Council. Councilmember Starkey spoke of a form that was implemented for monitoring of charities and their funds and felt there was a need to continue such monitoring. Councilmember Hubert felt that the monitoring should be done on a quarterly basis. Vice-Mayor Paul suggested that the Budget Advisory Committee review this issue and make their recommendations as well.

Councilmember Starkey thanked those responsible for providing a true cost accounting regarding the legal fees and indicated her satisfaction with the fiscal management of the Town by the Town Attorney. She felt that legal funds could be reduced with less outsourcing. Councilmember Starkey agreed with many of the issues raised by Vice-Mayor Paul and especially voiced her concerns regarding the insurance reserves. She indicated that had Mr. Willi been present, she would have asked him if he was satisfied with the budget. Councilmember Starkey directed her question to Mr. Cohen who indicated

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that he felt there were areas that could be improved and that various departments would be making presentations at this meeting with their suggested improvements.

Councilmember Crowley asked Mr. Cohen when the audit presentation would be made. Mr. Cohen indicated that a presentation would be brought to Council before the end of October.

Councilmember Hubert questioned whether the document she had regarding charities was up-to-date and requested an updated report.

Mayor Truex felt that the most "breathtaking" part of the budget was the bottom line, which reflected up to \$77 million where last year's budget was less than \$68 million. He spoke regarding the charities and agreed that there should be a program implemented to monitor the charities; however, he felt that a quarterly report was somewhat extreme. Mayor Truex spoke of his support of the charities and felt that there was nothing wrong with giving grants to the local charities.

Mayor Truex voiced his disappointment in Vice-Mayor Paul's comments and felt that cutting police overtime funds was a bad idea. He spoke about the sports programs and his disagreement in privatizing them. Mayor Truex felt that if the sports programs were profit-driven, it would alienate those residents that could not afford to participate. He stated that the Town needed to show some courage and think of creative ways to raise money in residential areas through economic development. Mayor Truex felt the Town Attorney did not deserve Vice-Mayor Paul's comments regarding his fees. He disagreed with the suggestion to micromanage the budget and felt that it was not Council's job to do so.

Vice-Mayor Paul spoke of the community chest and felt that it could have the ability at some point to fund more charities at higher rates. She felt that the overtime issue had been suggested by Mr. Willi and Mr. Cohen, and that her suggestions were merely an opportunity to throw everything out on the table when discussing the budget.

Parks and Recreation Director Dennis Andresky stated that the current budget was already lean and there was no other way to cut costs. He indicated that staff had looked into different options to save on costs and felt that one option would be to raise fees by 25% for residents and possibly 35% for non-residents. This increase would still be in the fee structure of the surrounding cities. Mr. Andresky advised that he looked at day-to-day operational costs such as uniforms, staff time, trophies, and basic equipment supplies and stated that historically, the Town had funded approximately 75% for residents and 50% or less for non-residents. He suggested that there could be the possibility of increasing fees to cover those costs. Mr. Andresky indicated that the Parks and Recreation Advisory Board was in support of a reasonable fee increase. He also suggested the use of booster clubs to operate the concession stands as a way to derive profits for the Town.

Councilmember Starkey indicated that she was 100% in support of the sports programs for residents in the Town, but would prefer to offset the increase in fees for residents with fee increases only to non-residents. She voiced her support for the use of concession stands to raise money for the uniforms and equipment and suggested a volunteer sign-up sheet for parents to run the concession stands. Councilmember Starkey stated that she was not in favor of an optometrist group and felt the Town would lose control over the sports programs.

Vice-Mayor Paul asked what the percentage was of non-residents who participated in the sports programs. Mr. Andresky indicated that it varied from program to program. He stated that the tackle football program was approximately 82% residents.

Mayor Truex asked what the cost differential was for each sport. Mr. Andresky indicated that the existing fee for the tackle football program was \$100 for residents and \$125 for non-residents. He stated that it costs \$330 per participant to operate the tackle football program. He continued to give various percentage participation in the programs, such as baseball, which was 90% residents, while travel baseball was 60% residents.

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Vice-Mayor Paul felt that the non-resident fees should be increased contracting out the services was not a wise idea, but was in favor of seeking the concession revenue. Mr. Andresky indicated that there was a one-year concessionaire service currently in place.

Councilmember Hubert addressed her concerns regarding forcing parents to volunteer at concession stands, stating that most of the parents in her district were single parents and were not always available to volunteer.

Councilmember Hubert asked why the uniforms for the sports programs could not be reused. Mr. Andresky indicated that for certain programs, the Town bought the uniforms and the participants paid for them. Councilmember Starkey indicated there was a program in place that enabled sports participants to either buy new uniforms or purchase used uniforms at a discounted price. Councilmember Hubert voiced her concerns for those individuals who could not afford uniforms at any price and reiterated her concerns for those individuals. She stated that the issue had been brought up at prior Police Athletic League (PAL) meetings. Councilmember Starkey indicated that every child received a uniform and those that could not afford one received one through help from other sources, such as coaches or through Parks and Recreation. Mayor Truex felt that Councilmember Hubert's suggestion had some merit and asked Mr. Andresky to research the policy of neighboring cities.

Mayor Truex questioned why the cost for adult programs was less expensive than the children's programs. Mr. Andresky indicated that the operating cost to run the program for adults was less than that for children. Mayor Truex suggested that non-residents should pay 50% more than residents.

Councilmember Starkey asked Mr. Andresky for a chart indicating the fees of all the sports programs as well as a cost comparison of the other municipalities and their programs.

Councilmember Crowley inquired as to the number of neighboring cities that actually ran their own sports programs. Mr. Andresky indicated that very few cities ran their own programs in the way that the Town did.

Public Works/Capital Projects Director Bruce Bernard spoke of his 25-year experience with the City of Lauderhill and the Optimist's takeover of that city's sports program. He indicated that just in one program, the change saved \$80,000-\$100,000. Mr. Bernard indicated that the Town would still oversee the sports programs, but volunteers would perform 95% of the work involved. He mentioned that Nova ran their sports through booster clubs and were very successful.

Councilmember Starkey asked if the Optimist program would be a cost savings for the Town and the residents. Mr. Bernard indicated that the Town would save and the residents could save depending on how much money the Town provided to the organization.

Mr. Kovanes spoke of his suggestion to displace the Economic Development responsibilities to another department, which could save the Town \$110,000. Councilmember Hubert questioned why the position was housed in a building where rent was required. Mr. Kovanes indicated that there was not enough space to accommodate this position as well as several other individuals. He stated that although there would be a savings with the elimination of Economic Development, there would still be operating expenses at the 4700 building due to the remaining personnel.

Councilmember Crowley asked if the actual savings would be \$110,000. Mr. Kovanes indicated that there would be a savings if the Town opted not to fill the Economic Development position, but indicated that some of those responsibilities would have to be displaced to other personnel. Councilmember Crowley asked who would then service the Economic Development Council (EDC). Mr. Kovanes stated that staff would need the direction of Council to decide what the responsibilities of the EDC would be.

Councilmember Hubert inquired as to what would happen to the individual when the Economic Development position was eliminated. Mr. Kovanes indicated that the position would be phased out and

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funds would no longer be allocated. Councilmember Starkey felt that the Economic Development position could be merged within the Development Services Department. Development Services Director Mark Kutney spoke of the complexity of having the Economic Development position within his department, but indicated that he was not adverse to the idea if that was Council's direction. Vice-Mayor Paul agreed with Councilmember Starkey's suggestion that the Economic Development position be absorbed into Development Services.

Mayor Truex felt there was a conflict of interest to eliminate the Economic Development Department and merge into Development Services. He felt that the Economic Development position was an extremely important position and would bring revenue to the Town. Mayor Truex stated that before they eliminate the position, he would like to hear from some of the business interests in Town.

Councilmember Starkey reiterated her suggestion to merge the Economic Development position with Development Services. Vice-Mayor Paul stated again that she did not feel the Economic Development had been effective and would be better served in another area. Councilmember Hubert indicated that she thought that the Economic Development Director had been effective and was needed. Councilmember Crowley indicated that his prior concerns regarding the Economic Development Department had been resolved and stated that his only concern was that their meetings be open to the public. Councilmember Starkey stated that if the Economic Development position remained as is, she requested a report from the department on a regular basis. Mr. Kovanes indicated that he would make it a goal to strengthen the communication of the economic activity in the Town. Councilmember Starkey gave credit to Mr. Kovanes for that effort.

Mr. Cohen requested direction from Council as to their interest in staff investigating the possibility of a partnership with PAL. Mayor Truex asked how PAL felt about the possibility with Mr. Cohen responding that staff had not yet discussed the idea with PAL. Mayor Truex suggested that Mr. Cohen and his staff meet with PAL for further input and bring the issue back to Council. Councilmember Starkey agreed and felt that it was of the utmost importance to do what was in the best interest and safety of the children.

Vice-Mayor Paul asked about the \$290,000 budget and how it included the maintenance, utilities and supervisor staff but did not include the programming. Mr. Cohen indicated that staff would enter into discussions with PAL and the residents as to their interests and then use outside vendors to perform said services.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - no; Councilmember Crowley - no; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 3-2)

1.3 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE  
R-2004-221 MILLAGE RATE TO BE LEVIED FOR VOTER APPROVED DEBT SERVICE FOR  
THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER  
31, 2005.

Later in the meeting, Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to add item 1.3. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

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**2. APPROVAL OF CONSENT AGENDA**

2.1 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE  
R-2004-222 MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE TOWN  
OF DAVIE AND THE CITY OF DANIA BEACH FOR INSPECTION, PLAN  
REVIEW, BUILDING OFFICIAL AND RELATED SERVICES TO BE PERFORMED  
BY THE TOWN OF DAVIE BUILDING DIVISION OF THE DEVELOPMENT  
SERVICES DEPARTMENT. (tabled from September 14, 2004)

Mayor Truex inquired as to why this item had originally been tabled. Mr. Cohen explained that staff had requested a tabling in order to allow Dania Beach to make changes to the original contract regarding the building official and his specific services. He referenced Schedule A, outlining those requested changes that had been given to Council. Mayor Truex asked for reassurance that this will be an enterprise-type situation that would bring in additional revenues to the Town.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

2.2 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING CERTAIN  
EASEMENTS FROM WARREN JOHN LACROIX, PROPERTY OWNER; AND  
PROVIDING AN EFFECTIVE DATE.

Town Engineer Larry Peters explained how the easement was being accepted via a sale of 30 feet from one property owner to another to allow an access road to the property as well as an easement for drainage. Vice-Mayor Paul felt that it was important that the residents on 21st Street understand this issue fully prior to approval.

Councilmember Crowley questioned who the property owner was since the survey was on the same property. Mr. Peters indicated that the property to the north was landlocked and had not yet been purchased from Mr. LaCroix and added that Mr. Buitrago owned the property to the north.

Vice-Mayor Paul asked for clarification that Mr. LaCroix was the current owner. Mr. Peters indicated that Mr. LaCroix would be selling 30 feet of road right-of-way to Mr. Buitrago.

Councilmember Crowley questioned the 25 feet on the north property line and the fact that there was no allowance for buffering. Mr. Peters stated there would be a total of 50 feet with plenty of room for a two-lane roadway with drainage and buffering.

Councilmember Hubert asked how property that was landlocked could be sold. Mr. Peters explained that 23rd Street was a private road and not owned by the Town.

Councilmember Crowley requested that staff come back to Council with more information, such as aerial photographs to better understand the issue.

Councilmember Crowley questioned the request for the drainage easement and why it was for only eight feet. Mr. Peters explained that they needed an additional eight feet as part of the right-of-way.

Vice-Mayor Paul reiterated her desire for further research and assurance that the area's residents were aware of the issue.

Mayor Truex asked if Messrs. Buitrago and LaCroix would suffer any prejudice if this item were to be tabled. The property owners indicated that tabling the item to October 6th would be amenable to each of them.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table items 2.2 and 2.3 to October 6, 2004. In a voice vote, all voted in favor. (Motion carried 5-0)

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- 2.3 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING CERTAIN RIGHTS OF WAY FROM GABRIEL BUITRAGO, PROPERTY OWNER; AND PROVIDING AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

Vice-Mayor Paul voiced her concern with rumors in the Town and felt there should be a positive attitude and support given to Mr. Kovanes as Interim Town Administrator. Councilmember Starkey agreed and felt that a professional attitude should be maintained within the Town and that Mr. Kovanes be given the utmost respect and support.

There being no further business to discuss and no objections, the meeting was adjourned at 8:23 p.m.

Approved \_\_\_\_\_

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Mayor/Councilmember

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Town Clerk

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